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Attorneys for Defendant

FILED



1:43 pm, 7/12/21

**Margaret Botkins**  
**Clerk of Court**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

GREGORY SOWIN, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
MENARD, INC., d/b/a MENARDS, )  
                        )  
Defendant.           )

Case No. 21-CV-131-F

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**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court  
For the District of Wyoming

Please take notice that Defendant Menard, Inc., by filing this Notice of Removal and related papers removes this action from the District Court of the First Judicial District In and For Laramie County, State of Wyoming, to the United States District Court for the District of Wyoming, pursuant to 28 USC §§1332 (a)(1), 1441, 1446 and Local Rule 81.1. The grounds for this removal are as follows:

**BACKGROUND**

1. This action was commenced on or about June 25, 2021 by the filing of Plaintiff's Summons and Complaint in the District Court of the First Judicial District In and For Laramie

County, State of Wyoming (the “State Court Action”). This civil action involves allegations of negligence.

2. There have been no further proceedings in the State Court Action.

3. Menard, Inc. is the removing party and was served on or about June 28, 2021. This Notice was filed within 30 days after the service of the State Court Summons and Complaint.

4. The removal is timely pursuant to 28 U.S.C. § 1446(b). Copies of all processes and pleadings served upon the Defendant in this action are attached hereto collectively as Exhibit A and incorporated herein by reference.

**REMOVAL IS PROPER BASED UPON DIVERSITY JURISDICTION**

5. Jurisdiction in this case is proper in the United States District Court pursuant to the provisions of 28 USC §1332, based upon diversity of citizenship.

**A. The Plaintiff**

6. Based the statement in the Complaint, the Plaintiff is a citizen and resident of Wyoming.

**B. The Removing Defendant**

7. Menard, Inc. is a Wisconsin corporation with its principal place of business in Eau Claire, Wisconsin.

8. The Plaintiff and Defendant are parties of different states, thus satisfying the diversity requirements as set forth in 28 USC §1332.

**GROUNDS FOR REMOVAL**

9. The action is being removed pursuant to 28 USC §1441, et seq. This action could have originally been brought in this Court pursuant to 28 USC §1332.

10. This Notice of Removal is timely filed because it is submitted within 30 days of the date of any Defendant was first served with, received a copy of, or otherwise received notice of the Summons and Complaint in this civil action. 28 USC §1446(b).

11. This Court embraces the county in which the State Court action was filed; thus, this Court is the proper venue.

12. This is a negligence case in which plaintiff claims to have suffered a serious injury to his back on August 11, 2019 when a pipefitting fell off the shelf and onto his back. Plaintiff claims permanent injury requiring ongoing medical care and impacting his activities of daily living. Given those allegations, the amount in controversy exceeds the jurisdictional limit of \$75,000.

13. Because this dispute is among citizens of different states and the amount in controversy exceeds \$75,000, the amount in controversy and diversity of citizenship requirements set forth in 28 USC §1332 have been met and jurisdiction is proper within this Court.

14. Pursuant to 28 USC §1442(d) and Local Rule 81.1, a Notice of Filing Notice of Removal will be filed with the clerk for the District Court of the First Judicial District In and For Laramie County, State of Wyoming and will be served upon the Plaintiff's counsel. A true and correct copy of the written Notice of Filing Notice of Removal is attached hereto as Exhibit A and incorporated herein by reference. Plaintiff is hereby notified to proceed no further in State Court.

WHEREFORE, Defendant Menard, Inc. requests that this action be removed and requests that this Court shall assume full jurisdiction over the case herein as provided by law.

Respectfully submitted this 12th day of July 2021.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2021, I served a copy of the foregoing pleading, via email and U.S. First Class Mail, upon:

Douglas W. Bailey #7-5102  
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